

## ANDRE DESHAWN MILLER

§

VS.

§

CIVIL ACTION NO. 1:06cv560

DIRECTOR, TDCJ-CID

§

Andre Deshawn Miller, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus. The court referred the matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

The respondent has filed a motion asking that the petition be dismissed as barred by the applicable statute of limitations. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion to dismiss is **GRANTED**. A final judgment will be entered dismissing this petition.

So **ORDERED** and **SIGNED** this **9** day of **September, 2008**.

Tom Clark

Ron Clark, United States District Judge